

### REMARKS/ARGUMENTS

The Applicants originally submitted Claims 1-27 in the application. In the present response, the Applicants have amended Claims 8, 14, 15, and 20. Support for the amendment can be found, for example, in paragraphs 24-31, and 46 and Figures 1, 3A, and 3B of the original specification. No other claims have been added. Accordingly, Claims 1-27 are currently pending in the application.

#### **I. Rejection of Claims 1-13 under 35 U.S.C. §102**

The Examiner has rejected Claims 1-13 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,563,805 to Ma, *et al.* The Applicants respectfully disagree.

Ma does not teach intercepting a data stream flowing from a demodulator to a perceptual decoder during operation of a satellite radio receiver, buffering a portion of the data stream into the buffer, and receiving an external command that causes a recorder controller to substitute the portion of the data stream stored in the buffer for the data stream flowing from the demodulator to the perceptual decoder as recited in independent Claims 1 and 8. Instead, Ma teaches a satellite digital audio service receiver **4** feeds demodulated encoded digital signals from the receiver **4** into a digital buffer **10** which outputs the encoded digital signal to a playback circuit **12** which then converts the encoded digital signal directly to an audio signal for direct playback via an FM modulator output circuit **14**. Additionally, a device for recording digital signals **6**, coupled to the receiver **4**, allows prepaid recording of digital audio signals using a digital converter **20** coupled to the digital buffer **10** to convert the encoded digital signals in the digital buffer **10** to decoded digital signals that can be recorded onto

digital media **32** when the digital converter **20** is enabled by a smartcard module **18**. (*See* column 2, line 66 through column 3, line 3; column 3, line 22, lines 43-48, and lines 59-61; column 4, lines 29-52; and Figure 1.) Ma discloses the decoded signals can also be provided to the FM modulator output circuit **14** for playback. (*See* column 5, lines 20-32 and Figure 1.) Ma does not, however, disclose substituting any signals flowing from the digital buffer **10** to the playback circuit **12**. (*See* Figure 1.) As such, Ma does not disclose each and every element of independent Claims 1 and 8 and, therefore, does not anticipate independent Claims 1 and 8 and Claims dependent thereon. Accordingly, the Applicants respectfully request the Examiner to withdraw the §102(e) rejection of Claims 1-13 and allow issuance thereof.

## **II. Rejection of Claims 14, 16-18, and 20-23 under 35 U.S.C. §102**

The Examiner has rejected Claims 14, 16-18, and 20-23 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2004/0116088 by Ellis, *et al.* The Applicants respectfully disagree.

Ellis does not teach receiving an external command that causes a recorder controller to substitute a portion of a data channel stored in a buffer for a data channel flowing from a demodulator as recited in amended independent Claims 14 and 20. Instead, Ellis teaches a radio receiver **110** coupled to a memory **120** to store a stream of digitized audio data wherein a user may direct a controller **145**, using user controls **140**, to send the digital audio data stored in memory **120** to digital-to-analog converter **125**, and to send audio signals from the digital-to-analog converter **125** to an audio output **130**. (*See* paragraphs 95 and 97.) The Applicants fail to see where Ellis even discusses substituting data from a buffer for the data stream. As

such, Ellis does not disclose each and every element of amended independent Claims 14 and 20 and, therefore, does not anticipate amended independent Claims 14 and 20 and Claims dependent thereon. Accordingly the Applicants respectfully request the Examiner to withdraw the §102(e) rejection of Claims 14, 16-18, and 20-23 and allow issuance thereof.

### **III. Rejection of Claim 25 under 35 U.S.C. §102**

The Examiner has rejected Claim 25 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0066097 by Hattori, *et al.* The Applicants respectfully disagree since Hattori does not teach a program manager, coupled to a database, configured to select portions of audio data and accompanying text from the database for broadcast as recited in independent Claim 25.

Hattori teaches a data transmission center **101** sends karaoke data to a broadcasting center **102** that multiplexes and modulates the data sent from the data transmission center **101** to transmit to a satellite **103**. (*See* paragraphs 145-146 and Figure 7.) The Examiner asserts the broadcasting center **102** is a program manager configured to select audio data and accompanying text from a database as presently claimed. (*See* Examiner's Action mailed December 1, 2006, page 5.) The Applicants fail to find, however, where Hattori discloses that the multiplexing and modulating of data for transmission, as carried out by the broadcasting center **102** teaches a program manager selecting audio data and accompanying data as presently claimed. The Applicants respectfully request the Examiner to indicate where in Hattori such a program manager is disclosed if the Examiner disagrees.

As such, Hattori does not anticipate independent Claim 25 or Claims that depend thereon. Accordingly, the Applicants respectfully request the Examiner to withdraw the §102(e) rejection of Claim 25 and allow issuance thereof.

**IV. Rejection of Claim 15 under 35 U.S.C. §103**

The Examiner has rejected Claim 15 under 35 U.S.C. §103(a) as being unpatentable over Ellis in view of Ma. The rejection, however, is now moot since Claim 15 has been amended. Accordingly, the Applicants respectfully request the Examiner to withdraw the §103(a) rejection and allow issuance of the pending claim.

**V. Rejection of Claims 19 and 24 under 35 U.S.C. §103**

The Examiner has rejected Claims 19 and 24 under 35 U.S.C. §103(a) as being unpatentable over Ellis in view of Hattori. The Applicants respectfully disagree.

As argued above, Ellis does not teach receiving an external command that causes a recorder controller to substitute a portion of a data channel stored in a buffer for a data channel flowing from a demodulator to perceptual decoder as recited in amended independent Claims 14 and 20. Furthermore, Ellis does not suggest the same. Ellis teaches an analog radio signal input is demodulated, decoded, and demultiplexed to form digital audio stream that is stored in a memory and then sent to an audio output. (*See* paragraphs 96, 97, and 102 and Figures 1 and 3B.) The Applicants do not find where Ellis even discusses substituting data from a buffer for the digital audio stream. Since Ellis does not teach or suggest each and every element of amended

independent Claims 14 and 20, it does not provide a *prima facie* case of obviousness of amended independent Claims 14 and 20 and Claims that depend thereon.

The Examiner has stated that Ellis fails to disclose the data channel comprises musical instrument device interface (MIDI) synthesizer commands and cites Hattori to cure this deficiency. (See Examiner's Action mailed December 1, 2006, page 8.) The Examiner does not assert, nor do the Applicants find where Hattori cures the above deficiencies of Ellis. As such, the combination of Ellis and Hattori does not provide a *prima facie* case of obviousness for amended independent Claims 14 and 20 and Claims that depend thereon. Accordingly, the Applicants respectfully request the Examiner withdraw the §103(a) rejection of Claims 19 and 24 and allow issuance thereof.

**VI. Rejection of Claims 26-27 under 35 U.S.C. §103**

The Examiner has rejected Claims 26-27 under 35 U.S.C. §103(a) as being unpatentable over Hattori in view of Ellis. The Applicants respectfully disagree.

As argued above, Hattori does not teach a program manager, coupled to a database, configured to select portions of audio data and accompanying text from the database for broadcast as recited in independent Claim 25. Furthermore, it does not suggest the same but generally refers to multiplexing and modulating data for transmission by a broadcasting center **102**. (See paragraph 146.) The Examiner has not cited Ellis to cure the deficiency of Hattori but to teach the subject matter of dependent Claims 26-27. (See Examiner's Action mailed December 1, 2006, page 9.) As such, the cited combination of Hattori and Ellis does not provide a *prima facie* case of obviousness

of independent Claim 25 or Claims that depend thereon. Accordingly, the Applicants respectfully request the Examiner to withdraw the §103(a) rejection of Claims 26-27 and allow issuance thereof.


## VII. Conclusion

In view of the foregoing amendment and remarks, the Applicants now see all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 1-27.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application. The Commissioner is hereby authorized to charge any fees, credits or overpayments to Deposit Account 08-2395.

Respectfully submitted,

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